

May 26, 2023

VIA ECF

Honorable Jennifer E. Willis, U.S.M.J.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Franco v. 380 Second LLC, et al.*
Case No. 1:22-cv-04011-PAE-JW

Dear Judge Willis:

Defendants 380 Second LLC (“380 Second”) and Small Door Gramercy LLC (“Small Door” and, collectively with 380 Second the “Defendants”) write to respectfully request a brief extension of the following deadline:

Deadline	Current Date	Proposed Date
Close of Expert Discovery	June 2, 2023	June 30, 2023

Defendants request the proposed four (4) week extension of the foregoing deadline as the parties are in the process of completing supplemental productions of documents following the deposition of Small Door’s corporate representative (the deposition occurred on May 18th), and Defendants expect such production to be completed in the next few weeks. In addition, the Defendants recently retained a new expert witness and, as a result, need additional time to complete a rebuttal expert report (Plaintiff served her report on May 11, 2023). Defendants expect to provide their expert report by June 30, 2023. This is the third request for an extension of the expert discovery deadline.

In addition, Defendants respectfully request that the deadline to file a pre-motion letter for a motion for summary judgment likewise be extended until two weeks after the proposed end of expert discovery (until July 14, 2023). This the first request for an extension of this deadline.

Plaintiff’s Position:

Plaintiff’s counsel does not take a position regarding the foregoing request, but notes for the record that the Court did not grant Defendants’ prior request to extend expert discovery to July 2, 2023 (See ECF No. 58). However, if the Court grants Defendants’ current request, plaintiff’s counsel respectfully asks that in addition to the expert discovery completion deadline of June 30, 2023, the Court also order the following interim deadlines:

Defendants to disclose expert's name and qualifications by:	May 30, 2023
Defendants' to disclose expert rebuttal report by:	June 12, 2023
Provided defendants' disclose an expert rebuttal report, expert depositions to occur	Week of June 26, 2023

We appreciate Your Honor's consideration of this request, and thank the Court for its time and attention to this matter.

Respectfully submitted

/s/Jason Mizrahi
Jason Mizrahi
Counsel for Small Door

/s/ Sean J. Kirby
Sean J. Kirby
Counsel for 380 Second

cc: All counsel of record (via ECF)